

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

**DONALD PADILLA,**

**Plaintiff,**

**v.**

**No. CV 10–1234 LAM/DJS**

**MICHAEL J. ASTRUE,**  
**Commissioner of the Social**  
**Security Administration,**

**Defendant.**

**ORDER REGARDING ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on the Court's *Order to Show Cause* (*Doc. 14*). The Court held a hearing on the order to show cause on July 11, 2011, at which Plaintiff and his counsel appeared in person, and counsel for Defendant appeared telephonically. On April 29, 2011, the Court entered an *Order Setting Briefing Schedule* (*Doc. 12*) in this case, wherein Plaintiff was ordered to file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law by June 29, 2011. On July 6, 2011, the Court entered the order to show case for Mr. Armstrong to show cause why he should not be held in contempt of Court for his failure file a motion to reverse or remand, and to show cause why the Court should not dismiss his case for failure to prosecute. [*Doc. 14* at 2]. On July 7, 2011, Mr. Armstrong filed an *Unopposed Motion for Extension of Time* (*Doc. 15*) stating that his staff had mis-calendared the deadline for the motion to reverse or remand as being due July 29 instead of June 29. At the July 11, 2011 hearing, Mr. Armstrong apologized for missing the deadline and stated that he was working with his staff to avoid this problem in the future. The Court stated that it is Mr. Armstrong's responsibility to supervise his staff and to implement a back-up system to avoid missing deadlines like this in the

future. Based on the statements made by Mr. Armstrong at the July 11, 2011 hearing, the Court will take under advisement at this time whether to issue an order finding Mr. Armstrong to be in contempt of Court.

**IT IS THEREFORE ORDERED** that Mr. Armstrong shall not miss any more deadlines or hearings in his cases before the Court and shall not ask for any more extensions of time absent exceptional circumstances, which does not include press of business.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**